

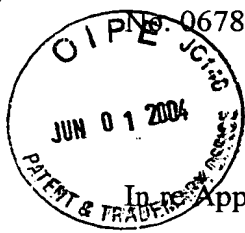
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ATTORNEY DOCKET

PATENT APPLICATION

067856.0260

USSN 10/808,645



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: McCardle, et al.
Serial No.: 10/808,645
Filing Date: March 24, 2004
Group Art Unit: Unassigned
Title: **CLUSTER MANAGEMENT SYSTEM AND METHOD**

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I hereby certify this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date shown below.

Candice R. Rockett

Candice R. Rockett

Date Mailed: 5-28-04

**TRANSMITTAL OF VERIFIED STATEMENT
CLAIMING SMALL ENTITY STATUS**

A Verified Statement Claiming Small Entity Status under 37 C.F.R. 1.9(f) & 1.27(c) Small Business Concern is transmitted herewith for filing in the above-identified patent application.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant

A handwritten signature in black ink, appearing to be "Luke K. Pedersen".

Luke K. Pedersen
Registration No. 45,003

Date: 5/28/04

Correspondence Address:

Customer No.: **05073**
Attorney Docket No.: 067856.0260

Serial No. 10/808,645
Filed: Date March 24, 2004
Inventors: McCardle, et al.
Title: CLUSTER MANAGEMENT SYSTEM AND METHOD



Attorney's Docket: 067856.0260

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) – SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: RLX Technologies, Inc.
Address of Small Business Concern: 25231 Grogan's Mill Road, Suite 600
The Woodlands, TX 77380-2174

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **CLUSTER MANAGEMENT SYSTEM AND METHOD** by inventors William Michael McCardle, Ronald Alan Neyland and John Paul Campbell, filed on **March 24, 2004**.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e):

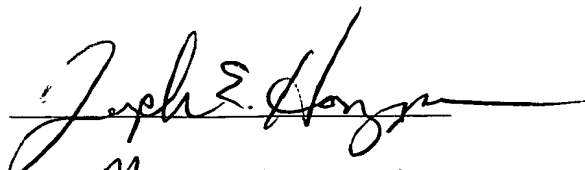
NONE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or my maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Joseph E. Horzempa
Title of Person if other than owner: General Counsel and Secretary
Address of Person Signing: 25231 Grogan's Mill Road, Suite 600
The Woodlands, TX 77380-2174

Signature:


May 15, 2004

Date: